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Attorney for Plaintiff
William Pickard

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WILLIAM LEONARD PICKARD,

Plaintiff,

v.

DEPARTMENT OF JUSTICE,

Defendant.

Case No.: 3:06-cv-00185-CRB

**MOTION TO WITHDRAW AS
COUNSEL; ~~PROPOSED~~ ORDER**

Hon. Charles R. Breyer
Ctrm. 6, 17th Floor

Pursuant to Local R. 11-5, Mark Rumold seeks leave of Court to withdraw as counsel for Plaintiff in this matter.

Mr. Rumold conferred with opposing counsel prior to filing this motion. Opposing counsel indicated that the government took no position on the motion and would not file an opposition.

Good cause exists for this request as follows:

1. Mr. Rumold has provided Plaintiff, Mr. Pickard, with *pro bono* representation in this matter since 2012.

2. Throughout this period, Mr. Rumold worked full-time for a non-profit legal organization. Because this case was outside the scope of the organization's mandate, Mr. Rumold undertook this representation by himself and on his own time, using evenings and weekends to perform the majority of the work in this case—hundreds of hours over the course of six years.

1 3. On September 10, 2018, Mr. Rumold will begin a one-year clerkship on the Ninth
2 Circuit Court of Appeals. This change in employment requires Mr. Rumold to terminate all
3 ongoing representations, including his representation of Mr. Pickard.

4 4. Mr. Rumold provided notice to Mr. Pickard of his need to withdraw from this matter
5 in Spring 2018. Mr. Pickard consents to the withdrawal.

6 5. Mr. Rumold has diligently sought—thus far unsuccessfully—to locate substitute *pro*
7 *bono* counsel. Mr. Rumold will continue to search for substitute counsel until his clerkship begins.
8 Alternatively, and to the extent the Court sees fit, Mr. Pickard respectfully requests the Court
9 appoint substitute counsel.

10 6. Until counsel is identified, Mr. Pickard intends to proceed *pro se*.

11 7. Mr. Rumold's withdrawal will not substantially burden the parties¹ or unduly delay
12 resolution of the case. The case is currently stayed, pending resolution of Mr. Pickard's petition for
13 certiorari.² See Dkt. No. 294. This stay affords Mr. Pickard additional time to identify and retain
14 substitute *pro bono* counsel before proceedings resume in this Court. Additionally, as a result of
15 ongoing litigation in federal district court in Kansas, the government has agreed to unseal many of
16 the records at issue in this case. See *Notice of Intent to Comply with Court Order*, filed in *United*
17 *States v. Pickard*, 00-cr-40104 (D. Kan. May 23, 2018) (ECF No. 823). Depending on the
18 government's disclosures, that unsealing could work to substantially narrow the remaining matters
19 in dispute. And, finally, even if Mr. Pickard must ultimately proceed *pro se*, he is a sophisticated
20 litigant with knowledge of and experience with the applicable law. Although constrained by
21 resources and his circumstances, he will represent his interests capably.

22 8. Mr. Rumold has also complied with all applicable Rules of Professional Conduct.
23 See Ca. Rules of Professional Conduct 3-700.

24 For all these reasons, Mr. Rumold respectfully asks that the Court grant his motion to
25 withdraw in this matter.

27 ¹ Mr. Rumold's withdrawal will not prejudice or burden the government.

28 ² Mr. Rumold is not counsel of record for Mr. Pickard's petition before the Supreme Court.


1 Dated: August 23, 2018

Respectfully submitted,

2 By: /s/ Mark Rumold
MARK RUMOLD

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5 The above withdrawal of counsel is approved and so **ORDERED**.
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8 DATED: August 27, 2018


HONORABLE CHARLES R. BREYER
UNITED STATES SENIOR DISTRICT JUDGE